



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 02 2012

University of Massachusetts - Lowell
Attn: Mr. Glenn MacDonald
Environmental & Emergency Management
Environmental Health & Safety
600 Suffolk Street, Suite 311
Lowell, Massachusetts 01854

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Former St. Joseph's Hospital Building / University Crossing Project
220 Pawtucket Street / Lowell, Massachusetts

Dear Mr. MacDonald:

This is in response to the University of Massachusetts - Lowell (UMass-Lowell) Notification¹ for approval of a proposed PCB cleanup at the University Crossing Project building located at 220 Pawtucket Street in Lowell, Massachusetts (the Site). The Site contains PCB-contaminated caulk that exceeds the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62. Specifically, PCBs concentrations at greater than or equal to (\geq) 50 parts per million (ppm) have been identified in 160 linear feet of expansion joint caulk located on the building exterior.

UMass-Lowell has requested an approval under §§ 761.61(a) and (c) and § 761.79(h) to remove and dispose of PCB-contaminated wastes prior to building demolition. Specifically, UMass-Lowell is proposing the following PCB cleanup standards and activities under this project:

- Remove all visible caulk with \geq 50 ppm PCBs and associated *porous surfaces* with greater than ($>$) 1 ppm PCBs (i.e., 24 inches of brick and mortar adjacent to PCB caulk) and dispose as a \geq 50 ppm PCB waste in accordance with § 761.62(a) and § 761.61(a)(5)(i)(B)(2)(iii) at a RCRA hazardous waste landfill or a TSCA-permitted landfill; and,

¹ The Notification was prepared by Lord Associates, Inc. to satisfy the requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated September 4, 2012 (Contractor Work Plan for the Removal and Bulk Loading of Polychlorinated Biphenyls); September 17, 2012 (email Conceptual PCB Abatement Plan); September 24, 2012 (PCB Abatement Plan); September 26, 2012 (email PCB Abatement Plan); September 27, 2012 (emails regarding waste storage, verification sampling, building demolition waste disposal, and air monitoring); and, September 29, 2012 (email confirming Site address). These submittals shall be referred to as the "Notification".

- Conduct verification sampling of building substrates (1 sample every 10 linear feet (LF)) to document that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met, which is consistent with the cleanup and disposal requirements under § 761.61(a) for *unrestricted use* or disposal of these materials.

The Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*, with the exception of the proposed verification sampling frequency for decontaminated *porous surfaces*.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency are reasonable to confirm that the PCB cleanup standard has been met. Accordingly, EPA finds that the activities proposed by UMass-Lowell will create no unreasonable risk when conducted in accordance with the Notification and this Approval. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

UMass-Lowell may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Please note Attachment 1 Condition 13.b.ii which requires notification to EPA in the event any verification sample exceeds the PCB cleanup standard of 1 ppm for *porous surfaces*. In accordance with this condition, EPA is retaining its rights to re-evaluate its determination on the alternative sampling based on the results of the verification sampling.

UMass-Lowell has determined that all other caulks and glazings at the Site are *Excluded PCB Products* as defined at § 761.3. As some of the *PCB Excluded Products* (e.g., caulk) contain asbestos, they will be managed as such while non-asbestos containing materials will be disposed of with the remaining building demolition debris. Please be aware that EPA-New England generally requires a minimum of 3 samples of each type of product to classify it as an *Excluded PCB Product*, and a previous (ATC) report recommended additional sampling of these products.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Owens III", is written over a horizontal line.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc A. Dieb, UEC
R. Tella, Lord Associates
MassDEP NERO
File

Attachment 1

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS UNIVERSITY CROSSING PROJECT ("the Site") 220 PAWTUCKET STREET / LOWELL, MASSACHUSETTS

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.²
2. The University of Massachusetts – Lowell (UMass-Lowell) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. UMass-Lowell must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, UMass-Lowell shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. UMass-Lowell is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time UMass-Lowell has or receives information indicating that UMass-Lowell or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by UMass-Lowell are authorized to conduct the activities set forth in the Notification. UMass-Lowell is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

² The Notification was prepared by Lord Associates, Inc. to satisfy the requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated September 4, 2012 (Contractor Work Plan for the Removal and Bulk Loading of Polychlorinated Biphenyls); September 17, 2012 (email Conceptual PCB Abatement Plan); September 24, 2012 (PCB Abatement Plan); September 26, 2012 (email PCB Abatement Plan); September 27, 2012 (emails regarding waste storage, verification sampling, building demolition waste disposal, and air monitoring); and, September 29, 2012 (email confirming Site address). These submittals shall be referred to as the "Notification".

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release UMass-Lowell from compliance with any applicable requirements of federal, state or local law; or 3) release UMass-Lowell from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from UMass-Lowell of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. UMass-Lowell shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. PCB-contaminated materials shall be decontaminated and sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.

- b. The decontamination standard for building *porous surfaces* (i.e., mortar and brick) shall be less than or equal to (\leq) 1 part per million (ppm).
 - i) Sampling of *porous surfaces* shall be performed on a *bulk basis* (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - ii) The minimum verification sampling frequency for *porous surfaces* shall be 1 sample every 10 linear feet (LF). In the event **any** sample is greater than ($>$) 1 ppm, UMass-Lowell shall contact EPA to determine what modifications, if any, need to be made to the sampling frequency or to the remediation plan for the remainder of the project.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
- 14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 15. UMass-Lowell shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by UMass-Lowell to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. UMass-Lowell shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by UMass-Lowell in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. UMass-Lowell shall submit a final report in electronic and hard copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527
22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1